IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:07CV8-03-MU

MICHAEL RAY WILLIAMS,)	
Plaintiff,)	
v.)	ORDER
REGGIE WEISNER, et. al.,)	ORDER
Defendants.)	
)	

THIS MATTER comes before the Court on the Court's own motion.

According to the record, on January 16, 2007, the Plaintiff filed a civil rights Complaint under 42 U.S.C. § 1983. By that Complaint, the Plaintiff alleges that Defendants have acted with deliberate indifference to Plaintiff by denying Plaintiff a warm cell and/or an extra blanket or thermal underwear. Plaintiff also alleges that he is being denied a winter coat despite being required to exercise outdoors at least two days per week. As a result of the above deprivations, Plaintiff claims that he suffers from serious physical and mental injuries.

The record shows that on March 12, 2007, Defendants filed an Answer to the Plaintiff's Complaint. By their Answer, the Defendants deny the material allegations of the Plaintiff's Complaint and assert certain affirmative defenses, including the defense of qualified and sovereign immunity and failure to state a claim for relief.

Accordingly, by the instant Order, the Court advises the parties that should they choose to file any dispositive motions, particularly motions for summary judgment, they must do so within

forty-five (45) days of the date of this Order. In the event that the parties choose not to file any such motions, they should advise the Court of that fact within fourteen (14) days of the date of this Order. Furthermore, inasmuch as the plaintiff is appearing <u>pro se</u>, the Court specifically advises him that under the provisions of Rule 56(a) of the Federal Rules of Civil Procedure, he may "move with or without supporting affidavits for a summary judgment" in his favor upon all or any portion of his claims.

NOW, THEREFORE, IT IS ORDERED:

- 1. That the parties have forty-five (45) days from the date of this Order in which to file any dispositive motions which they may choose to file. However, in the event that either party chooses not to file a dispositive motion, such party shall advise the Court of that decision within fourteen (14) days of the date of this Order;
- 2. That in the event any such dispositive motion is filed, the opposing party shall have thirty (30) days from the date of that party's receipt of that motion in which to file a response with this Court; and
- 3. That the Clerk shall provide plaintiff with a copy of Rule 56 of the Federal Rules of Civil Procedure.

SO ORDERED.

Signed: March 15, 2007

Graham C. Mullen United States District Judge